

**Changes to legislation:** There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, SCHEDULE 3. (See end of Document for details)

SCHEDULE 3  
(introduced by section 33)

MODIFICATION OF ENACTMENTS

*Teaching Council (Scotland) Act 1965 (c.19)*

F1 1 .....

**Textual Amendments**

F1 Sch. 3 para. 1 repealed (2.4.2012) by The Public Services Reform (General Teaching Council for Scotland) Order 2011 (S.S.I. 2011/215), art. 2, Sch. 7

**Commencement Information**

I1 Sch. 3 para. 1 in force at 14.11.2005 by S.S.I. 2005/564, art. 2

*National Health Service (Scotland) Act 1978 (c.29)*

- 2 In the National Health Service (Scotland) Act 1978, in section 16A (power to make payments towards expenditure on community services), in subsection (1)—
- (a) in paragraph (b)—
    - (i) sub-paragraph (i) is repealed, and
    - (ii) for “those terms” substitute “ that term ”,
  - (b) after paragraph (b) insert—
    - “(ba) any functions under section 4 or 5 of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4) in making provision for additional support needs;”.

**Commencement Information**

I2 Sch. 3 para. 2 in force at 14.11.2005 by S.S.I. 2005/564, art. 2

*Education (Scotland) Act 1980 (c.44)*

- 3 (1) The Education (Scotland) Act 1980 is amended as follows.
- (2) In section 1(5) (definitions of certain terms)—
- (a) in paragraph (a), sub-paragraph (ii) is repealed,
  - (b) paragraphs (c) and (d) are repealed.
- (3) In section 4 (duty of education authority to provide a psychological service)—
- (a) the words “in clinics or elsewhere” are repealed,
  - (b) in paragraph (a), for “with special educational needs” substitute “ having additional support needs ”,
  - (c) in paragraph (c)—
    - (i) for “special educational needs” substitute “ additional support needs ”,
    - (ii) the words “in clinics” are repealed.

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- (4) In section 23 (provision by education authority for education of pupils belonging to areas of other authorities)—
- (a) in subsection (1), after “Act” insert “ or additional support within the meaning of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4) (referred to in this section as “the 2004 Act”) ”,
  - (b) in subsection (1A)—
    - (i) after “Act” in the first place where it occurs insert “ or any provision of the 2004 Act ”,
    - (ii) after “Act” in the second place where it occurs insert “ or their functions under sections 4 and 5 of the 2004 Act ”,
    - (iii) after “education” in the fourth place where it occurs insert “ or additional support within the meaning of the 2004 Act ”,
  - (c) in subsection (1B), after “Act” insert “ or the 2004 Act ”,
  - (d) in subsection (2), after “authority” in the second place where it occurs insert “ or have provided additional support within the meaning of the 2004 Act for any such pupil, ”,
  - (e) in subsection (3)—
    - (i) the words from “1(5)(c)” to “Act)” are repealed,
    - (ii) for the words “51 and 60 to 65F” substitute “ and 51 ”,
    - (iii) after “Act” in the second place where it occurs insert “ and for the purposes of the 2004 Act ”.
- (5) In section 28A(3) (circumstances in which the duty to comply with placing requests does not apply), in paragraph (d), for “special educational needs” substitute “ additional support needs ”.
- (6) In section 28B (information as to placing in schools and other matters), after subsection (1) insert—
- “(1A) In the application of subsection (1)(b)(ii) above in relation to a child who has additional support needs—
- (a) for the reference to section 28A(1) and (2) of this Act there shall be substituted a reference to paragraph 2 of schedule 2 to the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), and
  - (b) “placing request” means a placing request within the meaning of that Act.”.
- (7) In section 28D (appeal committees), in subsection (1)—
- (a) for the words “, 28H and 63” substitute “ and 28H ”, and
  - (b) after “Act” insert “ and paragraph 5 of schedule 2 to the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4) ”.
- (8) In section 28E (reference to appeal committee of refusal of placing request), subsection (2) is repealed.
- (9) In section 38(2) (schools which may be named in attendance orders), in paragraph (b), for “is a recorded child” substitute “ has additional support needs requiring the education or special facilities normally provided at the school ”.
- (10) In section 40 (period of operation of attendance orders), the proviso is repealed.

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- (11) In section 54(4) (provision of clothing for pupils at public schools), for paragraph (b) substitute—
- “ (b) a child or young person—
- (i) having additional support needs, and
- (ii) who is, for the purposes of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), a child or young person for whose school education an education authority are responsible by virtue of section 29(3)(b) of that Act,
- shall be deemed to be attending a school under the management of that authority.”.
- (12) Sections 60 to 65G are repealed.
- (13) In section 135 (interpretation)—
- (a) in subsection (1)—
- (i) at the appropriate place, in alphabetical order, insert the following definition—
- ““additional support needs” and references to any child or young person having such needs shall be construed in accordance with section 1(1) of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4);”,
- (ii) the definitions of “psychological examination”, “Record” and “recorded”, and “special educational needs” are repealed,
- (iii) in the definition of “special school”, for the words from “means” to the end substitute “ has the meaning given in section 29(1) of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4) ”,
- (b) in subsection (2), in each of paragraphs (a)(ii) and (b)(ii)—
- (i) for “with special educational needs” substitute “ having additional support needs ”,
- (ii) for “his special educational needs” substitute “ those needs ”.
- (14) Schedule A2 is repealed.

**Commencement Information**

**I3** Sch. 3 para. 3(1)-(6)(7)(b)(8)-(14) in force at 14.11.2005 by [S.S.I. 2005/564](#), [art. 2](#)

*Education (Scotland) Act 1981 (c.58)*

- 4 In the Education (Scotland) Act 1981, the following provisions are repealed—
- (a) section 3(1) (special educational needs),
- (b) section 4(1) and (3) (children and young persons with certain special educational needs),
- (c) in Schedule 2—
- (i) paragraph 4(a)(ii), and
- (ii) paragraphs 6 to 8, and
- (d) Schedule 3.

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#### Commencement Information

**I4** Sch. 3 para. 4 in force at 14.11.2005 by [S.S.I. 2005/564](#), **art. 2**

#### *Disabled Persons (Services, Consultation and Representation) Act 1986 (c.33)*

- 5 In the Disabled Persons (Services, Consultation and Representation) Act 1986, the following provisions are repealed—
- (a) section 13 (disabled persons leaving special education: Scotland),
  - (b) in section 14 (assessment and recording of children and young persons), subsections (3) to (6).

#### Commencement Information

**I5** Sch. 3 para. 5 in force at 14.11.2005 by [S.S.I. 2005/564](#), **art. 2**

#### *Self-Governing Schoolsetc. (Scotland) Act 1989 (c.39)*

- 6 In the Self-Governing Schools etc. (Scotland) 1989, the following provisions are repealed—
- (a) section 71,
  - (b) section 72, and
  - (c) in Schedule 10, paragraph 8(2).

#### Commencement Information

**I6** Sch. 3 para. 6 in force at 14.11.2005 by [S.S.I. 2005/564](#), **art. 2**

#### *Further and Higher Education(Scotland) Act 1992 (c.37)*

- 7 In the Further and Higher Education (Scotland) Act 1992, the following provisions are repealed—
- (a) section 23 (duties of boards of management as regards recorded children),
  - (b) in Schedule 9 (miscellaneous and consequential amendments), paragraph 7(4).

#### Commencement Information

**I7** Sch. 3 para. 7 in force at 14.11.2005 by [S.S.I. 2005/564](#), **art. 2**

#### *Tribunals and Inquiries Act 1992 (c.53)*

- 8 In Part II of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under the supervision of the Scottish Committee of the Council on Tribunals), in paragraph 50, after sub-paragraph (b) insert—
- “(ba) Additional Support Needs Tribunals for Scotland constituted under section 17(1) of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4).”.

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**Commencement Information**

**I8** Sch. 3 para. 8 in force at 14.11.2005 by [S.S.I. 2005/564](#), [art. 2](#)

*Children (Scotland) Act 1995 (c.36)*

- 9 In the Children (Scotland) Act 1995, in Schedule 4 (minor and consequential amendments), paragraph 28(4) is repealed.

**Commencement Information**

**I9** Sch. 3 para. 9 in force at 14.11.2005 by [S.S.I. 2005/564](#), [art. 2](#)

*Education (Scotland) Act 1996 (c.43)*

- 10 In the Education (Scotland) Act 1996—
- (a) in section 4 (quality assurance), in paragraph (a), for “with special educational needs” substitute “ having additional support needs within the meaning of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4) ”,
  - (b) in section 33(1) (placing requests), the words “and that section as substituted for certain purposes by Schedule A2 to that Act” are repealed.

**Commencement Information**

**I10** Sch. 3 para. 10 in force at 14.11.2005 by [S.S.I. 2005/564](#), [art. 2](#)

*Standards in Scotland's Schools etc. Act 2000 (asp 6)*

- 11 In the Standards in Scotland's Schools etc. Act 2000, sections 43(4) and 44(7) are repealed.

**Commencement Information**

**I11** Sch. 3 para. 11 in force at 14.11.2005 by [S.S.I. 2005/564](#), [art. 2](#)

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